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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/994,195 | 11/26/2001 | Thomas Reisinger | GR 99 P 1912 | 8292 |
| 24131 | 7590 | 01/12/2005 | EXAMINER | |
| LERNER AND GREENBERG, PA | | | ZIMMERMAN, BRIAN A | |
| P O BOX 2480 | | | ART UNIT | |
| HOLLYWOOD, FL 33022-2480 | | | PAPER NUMBER | |

2635

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

CA

Office Action Summary

Application No.

09/994,195

Applicant(s)

REISINGER ET AL.

Examiner

Brian A Zimmerman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 16-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 16-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

EXAMINER'S RESPONSE**Status of Application**

In response to the applicant's amendment received on 9/30/04. The examiner has considered the new presentation of claims and applicant arguments in view of the disclosure and the present state of the prior art. And it is the examiner's position that claims 1-13,16-19 are unpatentable for the reasons set forth in this office action:

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 1,3,4,5,7 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Toole (6696879) and McLellan (5940006).

O'Toole shows an access system see col. 35 lines 41+. The system includes an interrogator sending an interrogation signal, and a transceiver responding to the interrogation signal by sending an access code. Each transceiver responds simultaneously using different spreading codes as claimed. See col. 29 lines 39+, col. 30 lines 1-9 and col. 67 lines 17-40. The transceivers use direct sequence spread spectrum, which avoids collision and increases security. It is known that orthogonal sequences are needed in order to perform DSSS multiplexing. O'Toole also shows the use of frequency hopping which is known to provide bandwidth efficiency and improve security.

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In an analogous art, McClellan shows a plurality of transceivers, which respond to an interrogator. Each transceiver uses it's own spreading code to enable collision free communication. See abstract and col. 13 lines 45+. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used different spreading codes in the DSSS system discussed above, in order to avoid collision between transceivers, as shown by McClellan.

2. Claims 8,10-13,16,17 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Toole and McLellan as applied to claim 1 above, and further in view of Barham et al (5432813).

In an analogous art, Barham shows the advantages in using parallel processing in a DSSS system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used parallel processing as suggested by Barham in the DSSS system of Wood in order to increase processing speed and limit the processing speed's impact on the operation of the system.

Regarding claims 11-13, the examiner takes official notice that communication system typically use the various frequencies claimed, and that the use of such 'known' frequencies would have been well within the knowledge of the artisan at the time of the invention.

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3. Claims 2 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Toole, McLellan and Barham as applied to claims 1 and 8 above, and further in view of Anderson (4868915).

In an analogous art, Anderson shows the use of an interrogation transponder system for enabling access to the motor vehicle. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used the interrogation-tag system discussed above to access a vehicle in order to provide hands free operation of the vehicle lock, and increase security.

4. Claims 6 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Toole, McLellan and Barham as applied to claims 1,3 and 8 above, and further in view of Lanzl (6353406).

In an analogous art, Lanzl shows the use of chirp sequence processing, and the use of a transversal filter to demultiplex, as a method for conducting spread spectrum multiplexing. See col. 11 lines 67+. Since, it has been shown to use different spread spectrum processes in the combination above, it is the examiner's position that the use of other spread spectrum techniques would also have been obvious at the time of the invention. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used any other spread spectrum technique in the above system in order to provide the same bandwidth efficiency and security as discussed above.

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5. Claims 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Toole and McLellan as applied to claim 1 above, and further in view of Tu et al (5682403).

In an analogous art, Tu shows the advantages in using parallel processing in a frequency hopping system. Such processing occurs at the RF band. See figure 3. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used parallel processing as suggested by Tu in the frequency hopping system of Wood in order to increase processing speed and limit the processing speed's impact on the operation of the system.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed 9/30/04 have been fully considered but they are not persuasive. The applicant argues that O'Toole does not have the same object of the invention as the instant application. It is noted that the object of the invention of the claimed invention does not have bearing on the patentability of the claims in view of 35 USC 103. Furthermore, with the addition of McLellan the combination system would provide the increases processing speed as noted. Additionally it is noted that the claims do not mention acquisition speed as argued.

The applicant argues that O'Toole does not use spread spectrum signals from the transponders back to the interrogator. O'Toole does in fact use DSSS

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in the response signals from the transponder see col. 30 lines 1-9. The addition of McLellan also teaches such limitations.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian A Zimmerman whose telephone number is 571-272-3059. The examiner can normally be reached on Off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Horabik can be reached on 571-272-3068. The fax

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phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Brian A. Zimmerman
Primary Examiner
Art Unit 2635

BAZ